IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 741(S/S)2007

Parvez Alam S/o Sri Ashraf Ali,
R/o Bhawanipur Tokapur,
Tehsil Amroha,
District Jyotibaphule Nagar, ---- Petitioner.

Vs.

1. State of Uttarakhand through Director General of Police, (Personnel) Uttarakhand Police Headquarter, Dehradun,
2. Superintendent of Police, Pithoragarh, Uttarakhand. ----- Respondents.

Sri S.S. Yadav, learned Counsel for the petitioner and
Sri Ashish Joshi, learned State Counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Yadav, learned Counsel for the petitioner and Sri Ashish Joshi, learned counsel for the respondents.

By means of this writ petition the petitioner has prayed for the following reliefs:-

a. Issue a writ, order of direction in the nature of mandamus commanding and directing the respondents to consider the case of the petitioner for compassionate appointment and to give him suitable appointment as per his qualification ignoring the delay in filing application for appointment,

b. Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case,

c. Award cost of the petition in favour of the petitioner.

Stand of the petitioner is that his father was working as Police Constable in U.P. Police and while in service he expired in the year 1994. At the time of death of his father, the petitioner was minor, as such, he could not apply for appointment under Dying-in-Harness Rules.

The Apex Court has already held in catena of decisions that the appointment under Dying-in-Harness Rules should be provided after considering significant factures, such as financial condition of the bereaved family as also whether the family is in requirement of immediate relief or not. The father of the petitioner was expired in the year 1994. About 12 years have been passed; no order can be passed by this Court for providing relief to the petitioner in the present circumstances.

Learned Standing Counsel has submitted that the petitioner may approach to Allahabad High Court for redressal of his grievances but not to this Court, because father of the petitioner was expired in the year 1994 when he was posted in district Pithoragarh which at the relevant time was within the territory of the then erstwhile State of U.P.

Learned counsel for the petitioner has submitted that the petitioner has already moved representation before the Director General of Police, Dehradun for redressal of his grievances and the D.G.P. may be directed to take decision on the representation of the petitioner.

The prayer is innocuous.

Thus, without entering into the merits of the case, I deem it just proper to direct the Director General of Police,

Dehradun or any other officer nominated by the Director General of Police, to take decision on the representation of the petitioner as early as possible.

With this direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

June 28, 2007:
NCM: